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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: PATTERSON, et al.

Application No.: 10/697,419

Examiner:

Date Filed: October 30, 2003 Group: 1645

For: MODIFIED LUCIFERASE NUCLEIC ACIDS AND METHODS OF USE

## CERTIFICATE UNDER 37 CFR 1.8(A)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2004.

 Reg. No. 42,730

Stanley A. Kim, Ph.D., Esq.

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing the following:

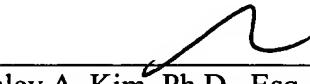
- Information Disclosure Statement, with PTO Forms SB/08A SB/08B; and  
 1 postcard.

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Respectfully submitted,

RUDEN, MCCLOSKY, SMITH,  
SCHUSTER & RUSSELL, P.A.Dated: August 16, 2004

Docket No: 6704-30



Stanley A. Kim, Ph.D., Esq., Reg. No. 42,730  
222 Lakeview Avenue, Suite 800  
West Palm Beach, FL 33401-6112  
Tel: (561) 838-4500



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Stanley A. Kim, Ph.D., Esq.

INFROMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the Duty to Disclosure under 37 CFR 1.56, the references cited on the accompanying PTO Forms SB/08A SB/08B are hereby brought to the attention of the Examiner for independent evaluation. A copy of each non-US patent reference is enclosed.

The claimed invention is believed patentable over the disclosures enclosed. This citation is intended to give the Examiner an opportunity to make an independent evaluation. No representations are made regarding these materials.

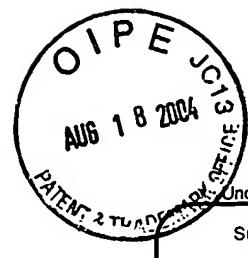
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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Substitute for form 1449/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known	
Application Number	10/697,419
Filing Date	October 30, 2003
First Named Inventor	PATTERSON
Art Unit	1645
Examiner Name	
Attorney Docket Number	6704-30

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of

## U. S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

<b>Examiner Signature</b>		<b>Date Considered</b>	
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Date that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Sheet

1

of

1

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Application Number	10/697,419
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Art Unit	1645
Examiner Name	
Attorney Docket Number	6704-30

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Naylor, L., "Reporter Gene Technology: The Future Looks Bright," Biochemical Pharmacology, 58: 749-757, 1999.	
		Wada et al., "Codon usage from the GenBank genetic sequence data," Nucleic Acids Research, 18: 2367-2411, 1990.	
		Daunert et al., "Genetically Engineered Whole-Cell Sensing Systems: Coupling Biological Recognition with Reporter Genes," Chem. Rev. 100: 2705-2738, 2000.	
		Szittner et al., "Nucleotide Sequence, Expression, and Properties of Luciferase Coded by lux Genes from a Terrestrial Bacterium," Jnl. of Biol. Chem. 265: 16581-16587, 1990.	
		Sayler et al., "Gene expression monitoring in soils by mRNA analysis and gene lux fusions," Current Opinion in Biotechnology, 12: 455-460, 2001.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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